Non-Official Business.

LEGISLATIVE BUSINESS.

THE TRAVANCORE SPECIAL MARRIAGE AND SUCCESSION BILL. THIRD READING.

Mr. Kochikal P. Balakrishnan Tampi: Sir, I move that I may be granted leave to suggest that the Travancore Special Marriage and Succession Bill be taken up for Third Reading.

Mr. A. Lakshminarayana Ayyar (*Financial Secretary to Government*): I Second it.

Mr. E. K. Kuriyppe: ഈ ബില്ലിനെ ഞാൻ ശക്തിയായി സപ്പോർട്ട് ചെയ്യുന്നു. ഈ ബില്ലിൽ സ്ത്രീകളെ ഉൾപ്പെടുത്താതെ തന്നെ സ്വവിഷമാരിയേജ് നടത്തണമെന്നു സ്ത്രീകൾ വാദിക്കുന്ന കാലമാണ് ഇത്. ഈ ബിൽ പാസാക്കുന്നതുകൊണ്ടു വിവിധസമുദായത്തിൽനിന്നും യോഗ്യന്മാരായ ആളുകളെ കല്യാണത്തിനു കിട്ടുമെന്നുള്ള സൗകര്യംകൂടി ഉണ്ടാകുന്നതാണ്. അതുകൊണ്ടു ഈ ബിൽ പാസാക്കണമെന്നു ഞാൻ അഭിപ്രായപ്പെടുന്നു.

Sahib Bahadur T. Mahomed Ismail: Sir, it will be noted that when this bill was introduced and came up for discussion last time, during the last budget session, I moved an amendment requesting that the Muslim community be exempted from the operation of the Bill. Unfortunately it was rejected. Consequently I have made a statement that the Muslim members cannot remain in this House and participate in the further proceedings of the Bill and therefore we, the Muslim members, have walked out as a protest. Now also, knowing as I do, the trend of the arguments that may be advanced, I am helpless in the matter. I only state that it is not possible for the Muslim members to take part in the further proceedings of this Bill and therefore we go out of this House, to plead on bended knees, before His Gracious Highness the Maharaja to save us from the operation of this Bill.

Messrs. T. Mahomed Ismail and Sultan Mohideen walked out of the House,

Mr. M. Govindan: I may say just one word. There is nothing in this bill as it is after the second reading, to make anything compulsory upon any person. The relationship between two persons of various communities is left to the discretion of the persons concerned and the law does not seek to impose any compulsion upon them. As it is purely optional, I submit that the objections usually stated against bills with compulsory provision, cannot be stated against this. Therefore, with a clean conscience, this House can unanimously vote for the acceptance and passing of this Bill.

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Mr. K. K. Kuruvilla (*Mavelikara and Tiruvalla* cum *Pathanamthitta*): May I ask a question for personal explanation. Has any community the right to say that we do not agree to this bill and that we will exercise our own disciplinary measures on people who act against the discipline of that particular community?

Mr. M. Govindan: May I point out to the honourable friend who put the question that in the case of a marriage, there are two parties and one party does not belong to the same community as the other. It is only in such cases that the question arises chiefly, and as such, the voice of one community should not prevail, if that community wants the advantage of say concubinage and not undergo the obligation of the legislative sanction for the legality of the union. That is all that I have to say.

Mr. K. K. Kuruvilla: I was not thinking particularly of the question in regard to concubinage. I shall put it clearly. I belong to a certain church. Suppose I want to marry out of that church and my action is against the discipline of the community to which I belong, has the church the right to ex-communicate me? Or since I have not comformed to the discipline of my church, can I be ex-communicated? I want a clear understanding on that matter.

Mr. M. Govindan: I hope the churches will be more than reasonable, to act so arbitrarily as to excommunicate people who have acted according to law.

Mr. K. K. Kuruvilla: That depends upon the churches and not upon the Government's law.

Mr. M. Govindan: There is no mistaking of the fact. That is why I said that churches should not be so arbitrary.

Mr. K. K. Kuruvilla: If it is, what are we to do?

Mr. M. Govindan: There is no answer.

Mr. K. K. Kuruvilla: But we cannot change religion.

Mr. M. Govindan: Where the church is so unreasonable the course is open to any reasonable man not to belong to that.

Mr. T. Krishna Pillai: If, contrary to our expectations, the church is so harsh and hard, is it not wise to make suitable amendments and change the law.

Mr. M. Govindan: I perfectly agree with the friend who made that observation.

Mr. P. I. Simon (*Municipal Councils*): I support the bill. Certain communities look with disapproval on the provisions of this bill. This bill is intended to legalise intercommunal marriages. A musalman marrying outside his community converts the bride to his own religion. Similarly certain sections of the Christian churches insist on the conversion of the proposed bride or bridegroom as the

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case may be to their own religion before the marriage is solemnised. Such a practice of converting people cannot be insisted upon after the passing of this bill. So if certain communities disapprove of this bill, it is because there will be less chances of conversion to their own religion. If a man has to infringe the rules of the church by marrying outside his community and gets himself excommunicated he can get out of the church and go to another church or follow a different religion. I would, therefore, very strongly support this bill.

The motion was put and carried.

Mr. Puthupalli S. Krishna Pillai (*Legal Remembrancer to Government*): Before the honourable member moves for the third reading of the bill, I may be permitted to suggest an amendment. In the short title of the bill, the figures 1117 may be substituted by the figures 118, because it is certain that it cannot become law this year.

Mr. Kochikal P. Balakrishnan Tampi: I accept it.

The amendment was passed. The bill was passed with the amendment.

THE TRAVANCORE HINDU WOMEN'S RIGHTS TO PROPERTY BILL.

Mr. G. Narayana Aiyar: (*Parur, Kunnatnad and Muvattupuzha cum Devicolam*) I beg to move that the Travancore Hindu Women's Rights to Property Bill be allowed to be continued and again be referred to the Select Committee.

Mr. Kochikal P. Balakrishnan Tampi: I second it.

Mr. G. Narayana Aiyar: Two of the members of the already constituted Select Committee have entered Government service. So other members should be substituted.

President: Can we substitute others?

Mr. Puthupalli S. Krishna Pillai: No, there must be a motion.

Mr. G. Narayana Aiyar: I move that Messrs. T. Krishna Pillai and Boothalingom Pillai be substituted for those members of the committee who have joined government service.

Mr. Kochikal P. Balakrishnan Tampi: I second it.

Mr. Puthupalli S. Krishna Pillai: There is no objection.

The motion that the bill be referred to a select committee with Messrs. T. Krishna Pillai and Boothalingom Pillai also in the committee in the place of the two members who have entered Government service, was put and carried.

RESOLUTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

Mr. M. K. Ananthasiva Aiyar: I think the two resolutions Nos. 1 and 5 can be taken together.

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